

## State Water Resources Control Board

Division of Drinking Water

November 13, 2017

Mr. James D. Anderson, General Manager  
Malaga County Water District - 1010042  
3580 S. Frank Street  
Fresno, CA 93725

**Citation No. 03\_12\_17C\_036**  
**Total Coliform Maximum Contaminant Level Violation**  
**For August 2017**

Dear Mr. Anderson:

Enclosed is a Citation issued to the Malaga County Water District (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 1 ½ hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration. (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this letter, please contact Linda Ramirez of my staff at (559) 447-3392.

Sincerely,



Tricia A. Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

District webpage: [http://www.waterboards.ca.gov/drinking\\_water/programs/districts/visalia\\_district.shtml](http://www.waterboards.ca.gov/drinking_water/programs/districts/visalia_district.shtml)

TAW/LR  
Enclosures  
Certified Mail No. 7016 3010 0000 0446 3366

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Malaga County Water District

**Water System No:** 1010042

**Attention:** Mr. James Anderson, General Manager

3580 S. Frank Street

Fresno, CA 93725

**Issued:** November 13, 2017

CITATION FOR NONCOMPLIANCE WITH  
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1

TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION

August 2017

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.



1 The State Water Board, acting by and through its Division of Drinking Water (hereinafter  
2 "Division") and the Deputy Director for the Division, hereby issues Citation No. 03\_12\_17C\_036  
3 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Malaga County Water  
4 District (hereinafter "Water System"), for violation of CHSC, Section 116555(a)(1) and California  
5 Code of Regulations (hereinafter "CCR"), Title 22, Section 64426.1.

6  
7 A copy of the applicable statutes and regulations are included in Appendix 1, which is attached  
8 hereto and incorporated by reference.

### 9 10 STATEMENT OF FACTS

11 The Water System is classified as a community water system with a population of approximately  
12 947 persons, served through 245 residential service connections. The Water System also serves  
13 264 commercial establishments.

14  
15 CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking  
16 water standards as defined in CHSC, Section 116275(c). Primary drinking water standards  
17 include maximum levels of contaminants and the monitoring and reporting requirements as  
18 specified in regulations adopted by the State Water Board that pertain to maximum contaminant  
19 levels.

20  
21 CCR, Title 22, Section 64426.1, Total Coliform Maximum Contaminant Level (hereinafter "MCL"),  
22 states that a public water system is in violation of the total coliform MCL if it collects fewer than  
23 40 bacteriological samples per month and if more than one sample collected during any month is  
24 total coliform-positive.

25  
26 The Water System is required to collect a minimum of two (2) distribution system bacteriological  
27 samples per month. The State Water Board received laboratory results for five (5) bacteriological  
28 samples collected during August 2017 from the Water System. All samples were analyzed for the



1 presence of total coliform bacteria. Three (3) of the five (5) samples analyzed were positive for  
2 total coliform bacteria. None of the total coliform positive samples showed the presence of  
3 *Escherichia coli* (*E. coli*) bacteria. All water samples for coliform bacteria are summarized in  
4 Appendix 2 and 3.

#### 6 DETERMINATION

7 The Water System took fewer than 40 bacteriological samples during August 2017. The results  
8 of three (3) samples were total coliform positive. Therefore, the State Water Board has  
9 determined that the Water System has failed to comply with drinking water standards pursuant to  
10 CHSC, Section 116555(a)(1) and CCR, Title 22, Section 64426.1 during August 2017.

#### 12 DIRECTIVES

13 The Malaga County Water District completed the necessary public notification on September 29,  
14 2017 and the investigation on September 12, 2017, pursuant to CCR, Title 22, Section 64426.1  
15 and no other directives are necessary at this time.

16  
17 The State Water Board reserves the right to make such modifications to this Citation as it may  
18 deem necessary to protect public health and safety. Such modifications may be issued as  
19 amendments to this Citation and shall be effective upon issuance.

20  
21 Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the  
22 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270),  
23 or any regulation, standard, permit or order issued or adopted thereunder.

#### 25 PARTIES BOUND

26 This Citation shall apply to and be binding upon the Water System, its owners, shareholders,  
27 officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.



Tricia Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
DRINKING WATER FIELD OPERATIONS BRANCH



Date

**Appendices (6):**

1. Applicable Statutes and Regulations
2. Summary of Distribution Bacteriological Samples
3. Summary of Source Bacteriological Samples
4. Public Notice for August 2017
5. Proof of Notification Form
6. Positive Total Coliform Investigation Report Form



Certified Mail No. 7016 3010 0000 0446 3366

**APPENDIX 1. Applicable Statutes and Regulations for  
Citation No. 03\_12\_17C\_036  
Total Coliform Maximum Contaminant Level Violation**

*NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.*

**California Health and Safety Code (CHSC):**

**Section 116271 states in relevant part:**

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
  - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

**Section 116275 states in relevant part:**

(c) "Primary drinking water standards" means:

- (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
- (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
- (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.



**Section 116555 states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

**Section 116577. Enforcement fee states:**

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625. *NOTE: This publication includes a variety of (b) The*

state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

**Section 116625 (Revocation and suspension of permits) states:**

(a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.

(b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.

(c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

**Section 116650 states in relevant part:**

(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

**Section 116701 (Petitions to Orders and Decisions) states:**

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

**California Code of Regulations, Title 22 (CCR):**

**Section 64426.1 (Total Coliform Maximum Contaminant Level (MCL)) states in relevant part:**

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraph (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraph (b)(3) or (4), pursuant to section 64463.1.

**Section 64463.4 (Tier 2 Public Notice) states:**

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

- (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
  - (A) Where a Tier 1 public notice is required under section 64463.1; or
  - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
- (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
- (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
- (4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence

having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
  - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
  - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
    1. Publication in a local newspaper;
    2. Posting in conspicuous public places served by the water system, or on the Internet; or
    3. Delivery to community organizations.
- (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
  - (A) Posting in conspicuous locations throughout the area served by the water system; and
  - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
    1. Publication in a local newspaper or newsletter distributed to customers;
    2. E-mail message to employees or students;
    3. Posting on the Internet or intranet; or
    4. Direct delivery to each customer.

**Section 64465 (Public Notice Content and Format) states in relevant part:**

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...



(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

#### Appendix 64465-A. Health Effects Language - Microbiological Contaminants.

Contaminant	Health Effects Language
Total Coliform	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform/E. coli	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
Turbidity	Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

#### Section 64469 (Reporting Requirements) states in relevant part:

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

#### Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.



# Bacteriological Distribution Monitoring Report

**1010042 Malaga County WD**

**Distribution System Freq: 2/M**

Sample Date	Location	T Coli	E Coli	F Coli	HPC	Type	Cl2	Cl2 Avg	Viol. Type	GWR Satisfied?	Comments
9/7/2017	3672 Calvin	<1.0	<1.0			Repeat					
9/7/2017	3640 Calvin	<1.0	<1.0			Repeat					
9/7/2017	3726 Calvin	<1.0	<1.0			Repeat					
8/29/2017	3672 Calvin	1.0	<1.0			Routine					
8/29/2017	3672 Calvin	2.0	<1.0			Repeat					
8/29/2017	3726 Calvin	<1.0	<1.0			Repeat					
8/29/2017	3640 Calvin	2.0	<1.0			Repeat			MCL		
8/1/2017	Location 2448 E. Central	<1.0	<1.0			Routine					

## Violation Key

MCL	Exceeds Maximum Contaminant Level (L1 RTCR)	GWR	Tier 1 or Tier 2 notification req'd
MR1	No monthly sample for the report month	GR1	GWR M&R violation
MR2	No quarterly sample for the report quarter	L1	Level 1 Trigger RTCR (TCRMCL)
MR3	Incorrect number of routine samples for the report month	L2a	Level 2-EC+ Routine w/TC+Repeat
MR4	Did not collect 5 routine samples for previous month's positive sample	L2b	Level 2-TC+ Routine w/EC+ Repeat
MR5	Incorrect number of repeat samples as follow-up to a positive sample	L2c	Level 2-EC+ Routine w/No Repeats
MR6	No source sample	L2d	Level 2-Repeat at GWR source monitoring is EC+
MR7	No summary report submitted	L2e	Level 2-Two (2) Level 1 Triggers in a 12-month period
MR8	Other comments and/or info		



# Source Bacteriological Monitoring Report

**1010042 Malaga County WD**

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>Sample Type</i>	<i>Test Method</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>HPC</i>	<i>Violation</i>	<i>Comments</i>
9/7/2017		Wells 6,7,8	Well	MPN	<1.0	<1.0				
8/1/2017		Wells; 6,7,8	Well	MPN	A					
7/6/2017		Wells: 6,7,8	Well	MPN	<1.0	<1.0				
6/14/2017	12:40	Well 8	Well	MPN	<1.0	<1.0				Repeat
6/8/2017	14:15	Well 8	Well	MPN	2.0	<1.0				Repeat
6/7/2017		Wells 6 & 7	Well	MPN	<1.0	<1.0				
6/7/2017	11:35	Well 8	Well	MPN	12	3.1				
5/3/2017	11:55	Well 6	Well	MPN	3.1	<1.0				
5/3/2017	12:15	Well 8	Well	MPN	2.0	<1.0				
5/1/2017		Wells 6,7,8	Well	MPN	<1.0	<1.0				
4/1/2017		Wells 6,7,8	Well	MPN	<1.0	<1.0				
3/1/2017		Wells 6,7,8	Well	MPN	<1	<1				
2/1/2017		Wells 6,7,8	Well	MPN	<1	<1				
1/1/2017		Wells: 6,7,8	Well	MPN	<1	<1				

Date: 9/13/17

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Por favor hable con alguien que lo pueda traducir.

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**Malaga County Water District's water system Had Levels  
of Coliform Bacteria Above the Drinking Water Standard**

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Our water system recently failed a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We took 3 samples to test for the presence of coliform bacteria in August 2017. 2 of these samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may show the presence of coliform bacteria.

**What should I do?**

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other; potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. We did not find any of these bacteria in our subsequent testing.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

We chlorinated our water system for a week (8/30/2017-9/6/2017) and re-sampled the designated sample sites and our ground water sources. The issue has been resolved as of 9/7/2017. All samples came back negative for total coliform

**For more information call: 559-485-7353 Malaga County Water District**

Water System Contact: Moises Ortiz at (559)284-0471, 3580 S. Frank Street, Fresno, CA 93725.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by Malaga CWD.

Date distributed 09/29/2017

## INFORMACIÓN IMPORTANTE SOBRE EL AGUA POTABLE

**El sistema de agua de Málaga County Water District tenía niveles de bacteria coliforme por encima del nivel del agua potable.**

Nuestro sistema de agua recientemente fallo un estándar de agua potable. Aunque este incidente no fue una emergencia, ya que los clientes tienen derecho a saber lo que debe hacer, lo que sucedió y lo que hicimos para corregir esta situación.

Nosotros rutinariamente controlamos los contaminantes del agua potable. Tomamos 3 muestras para probar la presencia de la bacteria coliforme en Agosto del 2017. 2 de estas muestras mostraron la presencia de la bacteria. La norma es que no más de 1 muestra por mes puede mostrar la presencia de la bacteria coliforme.

### ¿Qué debería hacer?

- **No es necesario hervir su agua o tomar medidas correctivas.**
- Esto no es una emergencia. Su hubiera sido una emergencia, usted habría sido notificado inmediatamente. *Las bacterias coliformes totales generalmente no son dañinos a sí mismos. los coliformes son bacterias que están naturalmente presentes en el medio ambiente y se utilizan como un indicador de que otras bacterias potencialmente dañinas pueden estar presentes. Coliformes se encontraron en más muestras de lo permitido y esto era una advertencia de problemas potenciales.*
- Generalmente, la presencia de la bacteria coliforme significa que podría ver un problema con el tratamiento o distribución en el sistema (pipas). Cuando se detecta la bacteria de coliforme en cualquier muestra, seguimos con más pruebas para asegurar que no hay bacterias de mayor preocupación, tales como el coliforme fecal o E. coli, presentes. No encontramos ninguna de estas bacterias presente en las pruebas posteriores.
- Las personas con sistemas inmunes gravemente comprometidos, los bebés y algunos ancianos pueden estar en mayor riesgo. Estas personas deben buscar consejo sobre el agua potable de sus proveedores de atención médica. Guías generales sobre los métodos en cómo disminuir el riesgo de infección de microbios están disponibles en Línea Directa de Agua Potable Segura de la EPA's al 1(800) 426-4791.
- Si tiene otros problemas de salud relacionados con el consumo de esta agua, puede consultar con su médico.

### ¿Qué Paso? Lo que se está haciendo...

- Hemos clorado nuestro sistema del agua durante una semana (08/30/2017 al 09/06/2017) y hemos muestreado nuevamente los sitios de muestra designados y nuestras fuentes de agua subterránea. El problema se ha resuelto a partir del 9/7/2017. Todas las muestras regresaron negativas para el coliforme total.

**Para más información favor de llamar a Málaga County Water District al (559) 485-7353.**  
Contacto del sistema del agua: Moises Ortiz al (559)284-0471, 3580 S. Frank Street, Fresno, CA, 93725.

*Favor de compartir esta información con todas las personas que beban esta agua especialmente las personas que no haiga recibido esta notificación directamente (por ejemplo, gente en apartamentos, hogares de ancianos, escuelas, o negocios). Puede hacerlo publicando este aviso público en un lugar público o distribuyendo copias a mano o por correo.*

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Malaga County Water District - 1010042** of the failure to meet the **total coliform bacteria MCL** for the month of **August 2017** as directed by the Division. At least one primary distribution method is required: mail or hand-delivery. A second method is also required in order to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.):

Notification was made on 9-29-17  
(date)

To summarize report delivery used and good-faith efforts used, please check all items below that apply and fill-in where appropriate:

- ☒ The notice was distributed by mail delivery to each customer served by the water system.
- ☐ The notice was distributed by direct delivery to each customer served by the water system.  
Specify direct delivery method(s) used: \_\_\_\_\_
- ☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).
- ☒ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations):  
District office 3580 S. Frank
- ☒ Posted the notice on the Internet at www.malagacwd.org
- ☐ Other method used to notify customers. \_\_\_\_\_

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by Name and Title: Moises Ortiz Lead Water operator  
Date: 9-29-2017 Signature: [Signature]

Due to the Division of Drinking Water within 10 days of notification to the public  
Total Coliform MCL Failure / Enforcement Action No.: In progress



# REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT Simple Systems with a Well and Storage/Pressure Tank and No Treatment

APPENDIX 6



This form is intended to assist public water systems in completing the investigation required by the federal revised Total Coliform Rule (rTCR) [effective April 1, 2016] and may be modified to take into account conditions unique to the water system. To avoid a violation, an assessment report must be completed and returned to your local regulatory agency no later than 30 days after the trigger date.

## ADMINISTRATIVE INFORMATION

Entity Name: PWSID NUMBER: 1010042 Type: Community Water System	Name Malaga County Water District	System Address & Email 3580 S Frank, Fresno, Ca 93725 www.malagacwd.org	Telephone Number 559-485-7353
Operator in Responsible Charge (ORC)	Moises Ortiz		
Person that collected TC samples if different than ORC	Moises Ortiz		
System Owner Certified Laboratory for Microbiological Analyses	Malaga County Water District Moore Twining Associates, INC.	2527 Fresno Street, Fresno, Ca 93721	559-268-7021
Date Investigation Completed: 9/12/2017			
Month(s) of Coliform Treatment Technique Trigger: August 2017			

## INVESTIGATION DETAILS

SOURCE	WELL 6	WELL 7	WELL 8	WELL (name)	COMMENTS (attach additional pages if needed)
	(name)	(name)	(name)	(name)	
1. Inspect each well head for physical defects and report					
a. Is raw water sample tap upstream from point of disinfection?	Yes	Yes	Yes		
b. Is wellhead vent pipe screened?	Yes	Yes	Yes		
c. Is wellhead seal watertight?	Yes	Yes	Yes		
d. Is well head located in pit or is any piping from the wellhead submerged?	No	No	No		
e. Does the ground surface slope towards well head?	No	No	No		
f. Is there evidence of standing water near the wellhead?	No	No	No		
g. Are there any connections to the raw water piping that could be cross connections? (describe all connections in comments)	No	No	No		
h. Is the wellhead secured to prevent unauthorized access?	Yes	Yes	Yes		
i. How often do you take a raw water total coliform (TC) test?	Monthly	Monthly	Monthly		
j. Provide the date and result of the last TC test at this location	9/7/17	9/7/17	9/7/17		All samples were negative

## STORAGE

	TANK (name)	TANK (name)	TANK (name)	TANK (name)	COMMENTS
	(name)	(name)	(name)	(name)	
1. Is each tank locked to prevent unauthorized access?	N/A	N/A	N/A	N/A	
2. Are all vents of each tank screened down-turned to prevent dust and dirt from entering the tank?					



# REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

## Simple Systems with a Well and Pressure Tank and No Treatment

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STORAGE	TANK (name)	TANK (name)	TANK (name)	TANK (name)	TANK (name)	COMMENTS
	N/A	N/A	N/A	N/A		
3. Is the overflow on each tank screened?						
4. Are there any unsealed openings in the tank such as access doors, water level indicators hatches, etc.?						
5. Is the roof/cover of the tank sealed and free of any leaks?						
6. Is the tank above ground or buried?						
a. If buried or partially buried, are there provisions to direct surface water away from the site.						
b. Has the interior of the tank been inspected to identify any sanitary defects, such as root intrusion?						
7. Does the tank "float" on the distribution system or are there separate inlet and outlet lines?						
8. What is the <b>measured</b> chlorine residual (total/free) of the water exiting the storage tank <b>today</b> ?						
9. What is the volume of the storage tank in gallons?						
10. Is the tank baffled?						
11. Prior to the TC+ or EC+, what was the previous date item #1-6 were checked and documented?						

PRESSURE TANK	TANK 6	TANK 7	TANK 8	TANK (name)	COMMENTS
	12,000 gal.	12,000 gal.	12,000 gal.		
1. What is the volume of the pressure tank?	1996	2005	2013		
2. What is the age of the pressure tank?	Air compressor	Air compressor	Air compressor		
3. Is the pressure tank bladder type or air compressor type?	No	No	No		
4. Did the pressure tank(s) deviate from normal operating pressure?	No	No	No		
5. Is the compressor pump running more often than normal?	No	No	No		
6. Is the tank bladder broken and the tank water logged?	No	No	No		
7. Is the tank(s) damaged, rusty, leaking, or has holes?	No	No	No		
8. Was there any recent work performed?	No	No	No		
9. Is the air relief vent (if there is one) on the pressure tank screened and facing downwards?	Yes	Yes	Yes		All vents have screens
10. Can the inside of the pressure tank be visually inspected thru an inspection port? If so, when was the last time it was inspected?	Site glass, no inspection to my knowledge	Site glass, inspected June 2016	Site Glass, no inspection		



# REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

## Simple Systems with a Well and Pressure Tank and No Treatment

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PRESSURE TANK	TANK 6	TANK 7	TANK 8	TANK (name)	COMMENTS
				tion done	

DISTRIBUTION SYSTEM	SYSTEM RESPONSES
1. What is the minimum pressure you are maintaining in the distribution system?	40 PSI
2. Did pressure in the distribution system drop to less than 5 psi prior to experiencing the total coliform positive finding?	No
3. Has the distribution system been worked on within the last week? (service taps, hydrant flushing, main breaks, main extensions, etc.) If yes, provide details.	No
4. Are there any signs of excavations near your distribution system not under the direct control of your maintenance staff?	No
5. Did you inspect your distribution system to check for mainline leaks? Do you or did you have a mainline leak?	No leaks or breaks in the system.
6. If there was a mainline leak, when was it repaired?	N/A
7. On what date was the distribution system last flushed?	January 2017
8. Is there a written flushing procedure you can provide for our review?	Yes
9. Do you have an active cross connection control program?	Yes
10. What is name and phone number of your Cross-Connection Control Program Coordinator?	Joel Fedor 559-891-8619
11. Have all backflow prevention devices in the distribution system been tested annually and repaired/replaced if they did not pass and retested afterwards?	Yes
12. On what date was the last physical survey of the system done to identify cross-connections?	N/A

SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)	Routine Site TC+ or EC+	Upstream Site	Downstream Site	4th Repeat Sample (specify)
1. What is the height of the sample tap above grade? (inches)	3672 Calvin	3640 Calvin	3726 Calvin	
2. Is the sample tap located in an exterior location or is it protected by an enclosure?	30 in.	24 in.	18 in.	
3. Is the sample tap threaded, have a swing arm (kitchen sink) or aerator (sinks)?	Exterior	Exterior	Exterior	
4. Is the sample tap in good condition, free of leaks around the stem or packing?	Hose bib threaded	Hose bib threaded	Hose bib threaded	
5. Can the sample tap be adjusted to the point where a good laminar flow can be achieved without excessive splash?	Bad condition, leaks	Bad condition	Bad Condition	
	No	No	No	



# REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

## Simple Systems with a Well and Pressure Tank and No Treatment

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SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)				
	Routine Site TC+ or EC+	Upstream Site	Downstream Site	4 <sup>th</sup> Repeat Sample (specify)
6. Is the sample tap and area around the sample tap clean and dry (free of animal droppings, other contaminants or spray irrigation systems)	3672 Calvin	3640 Calvin	3726 Calvin	
7 Is the area around the sample tap free of excessive vegetation or other impediments to sample collection?	No	No	No	
8. Describe how the tap was treated in preparation for sample collection (ran water, swabbed with disinfectant, flamed, etc.)	No	No	No	
9. Is this sample tap designated on the bacteriological sample siting plan (BSSP) as a routine or repeat site?	Ran water for 5 minutes, sprayed with chlorine and torched.	Ran water for 5 minutes, sprayed with chlorine and torched	Ran water for 5 minutes, sprayed with chlorine and torched	
10. Were the samples delivered to the laboratory in a cooler and within the allowable holding time?	Yes	Yes	Yes	
11. What were the weather conditions at the time of the positive sample (rainy, windy, sunny)?	Yes	Yes	Yes	
	N/A	N/A	N/A	

GENERAL OPERATIONS:	
	Response
1. Has the sampler(s) who collected the samples received training on proper sampling techniques? If yes, please indicate date of last training.	Yes, 8/17/2017
2. Does the water system have a written sampling procedure and was it followed?	Yes
3. Where there any power outages that affected water system facilities during the 30 days prior to the TC+ or EC + findings?	No
4. Were there any main breaks, water outages, or low pressure reported in the service area from which TC+ or EC+ samples were collected?	No
5. Does the system have backup power or elevated storage?	Yes, Generators at all well sites.
6. During or soon after bacteriological quality problems, did you receive any complaints of any customers' illness suspected of being waterborne? How many?	No
7. What were the symptoms of illness if you received complaints about customers being sick?	No

**SUMMARY: Based on the results of your assessment and any other available information, what deficiencies do you believe to have caused the positive total coliform sample(s) within your distribution system? (DO NOT LEAVE BLANK)**

Deficiency #	Deficiency Description



REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM  
Simple Systems with a Well and Pressure Tank and No Treatment

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1.	I believe that the sample sites are un-satisfactory and may have contributed to the samples failure.
2.	. There are animals and a strong odor of feces during the time of the samples.
3.	There are rags wrapped around the neck of the hose bibs at the sample points.
4.	
5.	

**CORRECTIVE ACTIONS:** What actions have you taken to correct the above mentioned deficiencies? If additional time is needed to correct a deficiency, indicate the date that it will be corrected. (DO NOT LEAVE BLANK)

Deficiency #	Corrective Action	Completion/Proposed Date
1.	Speak with the property owners and get approval to remove rags and replace hose bibs	9/2017
2.	Submit a revised sampling plan that will have new sampling sites.	12/2017
3.		
4.		
5.		

**CERTIFICATION:** I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

NAME: Moises Ortiz

TITLE: Lead Water Operator

DATE: 9-12-2017

**Upon review of the Level 1 Assessment Form, the local regulatory agency may require submittal of the following additional information:**

- Sketch of system showing all sources, all treatment and chlorination locations, storage tanks, microbiological sampling sites and general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility.
- A set of photographs of the source, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by the local regulatory agency.
- Name, certification level and certificate number of the Operator in Responsible Charge.
- Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.